

THE HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,
Plaintiff,

vs.

MOTOROLA, INC., et al.,
Defendants.

MOTOROLA MOBILITY LLC, et al.,
Plaintiffs,

vs.

MICROSOFT CORPORATION,
Defendants.

Case No. C10-1823-JLR

DECLARATION OF CHRISTOPHER
WION IN SUPPORT OF
MICROSOFT'S MOTION FOR
PARTIAL SUMMARY JUDGMENT OF
BREACH OF CONTRACT AND
SUMMARY JUDGMENT ON
MOTOROLA'S THIRD, FOURTH,
FIFTH, SEVENTH, EIGHTH, AND
NINTH AFFIRMATIVE DEFENSES
AND SECOND COUNTERCLAIM

[REDACTED]

I, Christopher Wion, hereby declare as follows:

1. I am an attorney at the law firm of Calfo Harrigan Leyh & Eakes LLP, one of the law firms representing Microsoft Corporation ("Microsoft") in the above-captioned matter, and have personal knowledge of the facts stated herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the transcript of the deposition of Kirk Dailey, taken in this matter on July 12, 2012.

1 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the
2 30(b)(6) deposition of Brian Blasius, taken in this matter on May 14, 2013.

3 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of Motorola's
4 Second Supplemental Log of Withheld Documents, served in this matter on July 3, 2012.

5 5. Attached hereto as Exhibit 4 is a true and correct copy of an excerpt of the
6 transcript of the October 29, 2012 Pretrial Conference in this matter.

7 6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the
8 deposition of Gregory Leonard, taken in this matter on June 24, 2013.

9 7. Attached hereto as Exhibit 6 is a true and correct copy of the expert report of
10 Gregory Leonard, served in this matter on May 29, 2013.

11 8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of the trial
12 testimony of Kirk Dailey, taken in ITC Investigation 337-TA-752 on January 20, 2012.

13 9. Attached hereto as Exhibit 8 is a true and correct copy of Plaintiffs' Amended
14 Complaint, Dkt. No. 431, *In re Innovatio IP Ventures, LLC, Patent Litig.*, Case No. 1:11-cv-
15 9308 (N.D. Ill.), filed October 1, 2012.

16 10. Attached hereto as Exhibit 9 is a true and correct copy of a June 14, 2005 letter
17 from R. Sonnentag to S. Joe, as produced in this matter with the designation
18 MOTM_WASH1823_0019341.

19 11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of the
20 deposition of K. McNeill Taylor, taken in this matter on March 20, 2012.

21 12. Attached hereto as Exhibit 11 is a true and correct copy of a submission to the
22 European Commission made by Google, Inc. and Motorola Mobility, Inc., dated January 26,
23 2012, as produced in this matter with the designation GGMM-00019400—09.
24
25

1 13. Attached hereto as Exhibit 12 is a true and correct copy of a European
2 Commission Press Released, titled, “Antitrust: Commission sends Statement of Objections to
3 Motorola Mobility on potential misuse of mobile phone standard-essential patents,” dated May
4 6, 2013, as produced in this matter with the designation MS-MOTO_1823_00005258267-68.

5 14. Attached hereto as Exhibit 13 is a true and correct copy of Motorola Mobility,
6 Inc.’s Motion to Terminate this Investigation in part with Respect to U.S Patent Nos. 6,980,596
7 and 7,162,094, filed in ITC Investigation 337-TA-752 on January 8, 2013.

8 15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of
9 Motorola’s Responses to Microsoft’s Third Set of Interrogatories, served in this matter on July
10 18, 2012.

11 I declare under penalty of perjury under the laws of the United States of America that
12 the foregoing is true and correct.

13 DATED this 3rd day of July, 2013 in Seattle, Washington.

14
15
16 s/ Christopher Wion
CHRISTOPHER WION

CERTIFICATE OF SERVICE

I, Tim Murphy, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am over the age of 21 and not a party to this action.
2. On the 3rd day of July, 2013, I caused the preceding document to be served on counsel of record in the following manner:

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DATED this 3rd day of July, 2013.

s/ Tim Murphy

TIM MURPHY